

Agenda Item:

Request Approval of Temporary Rule 15A NCAC 02B .0295

Explanation:

During the recent legislative session, the *Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers* Rule, 15A NCAC 02B .0295, as adopted by the Environmental Management Commission (EMC) on May 9, 2013 and approved by the Rules Review Commission on July 18, 2013 was disapproved. Further, the EMC was directed to adopt a *Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers* Rule, pursuant to G.S. 150B-21.1, no later than October 1, 2014, that was substantively identical to the recommended rule text contained in the April 10, 2014 Consolidated Buffer Mitigation Rule Stakeholder Report. To comply with the requirement set forth in G.S. 143-214.20 and Section 2 of SL 2014-95, the EMC is pursuing temporary rulemaking to adopt a *Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers* Rule (15A NCAC 02B .0295). A public hearing on the proposed temporary rule was held in Raleigh, NC on August 28, 2014. Public comments were accepted at the hearing and during the public comment period from August 14, 2014 to September 12, 2014. Comments were reviewed and the Hearing Officer prepared a Report of Proceedings that contains the recommended temporary rule.

Recommendation:

The Commission will be asked to approve the temporary rule 15A NCAC 02B .0295 as presented in the Hearing Officer's Report.